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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/073,733

02/11/2002

Bruce C. McDermott

83552PCW

5189

7590

02/10/2005

Thomas H. Close  
 Patent Legal Staff  
 Eastman Kodak Company  
 343 State Street  
 Rochester, NY 14650-2201

EXAMINER
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NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/073,733

Applicant(s)

MCDERMOTT ET AL.

Examiner

LUONG T NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-4, 6 are objected to because of the following informalities:

Claim 1 (line 2), "substrate" should be changed to --substrate;--.

Claim 2 (lines 1-2), "the programmable memory" should be changed to --the non-volatile, programmable memory--.

Claim 4 (lines 2), "the non-volatile memory" should be changed to --the non-volatile, programmable memory--.

Claim 6 (line 2), "the non-volatile programmable memory" should be changed to --the non-volatile, programmable memory--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Schimdt (US 6,278,481).

Regarding claim 1, Schmidt discloses 1. An image capture device for capturing an image comprising a substrate (a single chip, Figure 5, Column 10, Lines 25-30, 49-55); an image sensor (CMOS imager 505, Figure 5, Column 10, Lines 25-39) on the substrate for receiving incident light; non-volatile, programmable memory (EEPROM program memory 520, Figure 5, Column 10, Lines 39-48) on the substrate for storing predetermined variables (instructions) that are loaded into predetermined circuitry used to manage the image sensor upon startup.

Regarding claim 2, Schmidt discloses the programmable memory is PROM, FLASH or BPROM for providing non-volatile memory that keeps its contents when power is removed (EEPROM program memory 520, Figure 5, Column 10, Lines 39-48).

Regarding claim 3, Schmidt discloses the image sensor and integrally disposed programmable memory are components of a digital still camera (digital camera, See abstract, Figure 5).

Regarding claim 4, Schmidt discloses dedicated logic (microcontroller 510, Figure 5, Column 10, Lines 40-48) for loading the non-volatile memory prior to image capture.

Claims 5-8 are method claims of apparatus claims 1-4, respectively. Therefore, see Examiner's comments regarding claims 1-4, respectively, except for the step of "providing a

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microprocessor for assisting the image sensor in image capture” which is disclosed as microcontroller 510 in Schmidt (Figure 5, Column 10, Lines 40-48).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Heller et al. (US 6,396,539) discloses CMOS imaging device with integrated defective pixel correction circuitry.

Lee et al. (US 6,721,008) discloses integrated CMOS active pixel digital camera.

Hsieh et al. (US 6,757,019) discloses low-power parallel processor and imager having peripheral control circuitry.

Schinner (US 2003/0052984) discloses user selection of power-on configuration.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297 or (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929 or (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600